

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 03 BOGOTA 012938

SIPDIS

E.O. 12958: DECL: 12/21/2014

TAGS: [PTER](#) [PHUM](#) [KJUS](#) [PINR](#) [CO](#) [AUC](#)

SUBJECT: DAS SHAPIRO DISCUSSES PEACE PROCESS WITH PEACE COMMISSIONER

Classified By: Ambassador William B. Wood for reasons
1.4 (b) and (d)

1. (U) December 14, 2004, 7:30-8:30 p.m., Ambassador's residence, Bogota

2. (U) Participants:

U.S.

DAS Charles Shapiro
Ambassador William B. Wood
Jeff DeLaurentis, POLCOUNS
David Henifin, Deputy Director for Andean Affairs
Sarah LaGier, notetaker

Colombia

Luis Carlos Restrepo, Peace Commissioner

Summary

3. (C) Restrepo told DAS Shapiro that the peace process with the United Self Defense Forces of Colombia (AUC) was going well and that the Calima Bloc in Valle Department was next to demobilize. AUC strongmen Salvatore Mancuso, Vicente Castano, and Hernan Hernandez have become allies of the peace process. Restrepo agreed that it was important to have a legal framework for the process but said the GOC would wait until February to present its version of the Law for Justice and Reparations. It is trying to avoid a long, drawn-out national debate on the law. Restrepo also said the Revolutionary Armed Forces of Colombia (FARC) would not negotiate until they suffer a serious military defeat. The GOC authorized Mexican facilitator Ambassador Valencia to invite the National Liberation Army (ELN) Central Command (COCE) to meet with him in Mexico without GOC participation provided they halt all violence during the meeting. Valencia expects the COCE to agree.

AUC Demobilizations Going Well

4. (C) Restrepo told DAS Shapiro that the recent demobilization of the Catatumbo Bloc in Norte de Santander Department was a success. The group turned in over 1,000 weapons, 150 farms, and 57 houses and commercial outlets. However, the threat of a FARC resurgence in the area remains real. In order to guarantee state control of the Catatumbo region, Restrepo said the government needs:

- Aerial eradication in the mountainous, FARC controlled coca-growing region in Catatumbo. The GOC estimates there are 3,800 hectares of coca including 800 in the Bari national park. Eradication in the formerly AUC-controlled plains of Catatumbo has been successful. (Embassy is reviewing our coca estimates and spray plans for the region.)

- At least four Navy patrol boats on the Catatumbo River;

- One to two helicopters for aerial coverage; and

- 42 kilometers of paved roads and about 50 kilometers of secondary dirt roads

5. (C) The Calima Bloc in Valle del Cauca Department has begun concentrating and is scheduled to formally demobilize on December 19. This would bring the total demobilized in 2004 to approximately 2,500.

6. (C) AUC strongmen Salvatore Mancuso, Vicente Castano, and Hernan Hernandez have become government allies in the peace process. Castano, who is the behind-the-scenes powerbroker of the AUC, called Restrepo to tell him personally that he had decided to support the peace process. Mancuso and Hernandez are demobilizing the blocs they command. However, AUC "narcoparas" Diego Murillo and Jorge Tovar Pupo are trying to stall demobilization and view Mancuso as a traitor. Restrepo has tried to take advantage of internal AUC

dissention since the onset of the process. He explained that, although the AUC has talented advisers, they are poor negotiators when left alone at the negotiating table. This allowed Restrepo to convince the AUC to sign the July 15, 2003 agreement to demobilize all their troops by the end of 2005. In response to Shapiro's question about local support for the AUC, Restrepo explained that the rural elites in areas such as Cordoba, Magdalena, and Uraba believe the AUC are necessary for their safety. Local elites fear the government does not have the capacity to prevent the FARC from returning after the AUC demobilizes. These are areas plagued by FARC violence in the late 1980s and early 1990s.

Law of Justice and Reparations

17. (C) Restrepo agreed that it was important to have a legal framework to deal with demobilized paramilitaries who are charged with major crimes. The GOC plans to present its version of the Law of Justice and Reparations in February, possibly during the G-24 London conference follow-on in Cartagena. Senator Rafael Pardo wrote his own draft of the law to counter the GOC's version. Restrepo explained that the GOC had four main concerns about Senator Pardo's version:

- Pardo's draft requires that all demobilizing members of an illegal armed group (IAG), including those not accused of any crime beyond membership in an IAG, go through a complete legal investigation before being pardoned. The GOC's version only applies to IAG members who are accused of major crimes. The rest are pardoned for membership in an IAG and related non-violent crimes under current Colombian law. Restrepo is concerned that a prior full investigation for each IAG member is counterproductive and too time consuming.

- Pardo's draft requires that a judge decide if a potential beneficiary can be pardoned only after he has completed the punishment imposed by the Tribunal for Truth, Justice, and Reparations. The GOC version states that the Tribunal both imposes the punishment and pardons the beneficiary for the remainder of the original sentence at the same time (the pardon could be revoked). Restrepo explained that this would streamline the process.

- Pardo's version requires that the IAG submit a list of all crimes before demobilizing. The GOC requires that each demobilizing IAG member confess all crimes to the Prosecutor General's Office and have dental identification records and fingerprints taken for purposes of investigation, but only after he demobilizes. Restrepo fears that requiring a full confession before demobilization would prevent groups from even considering demobilizing. He asserted that the GOC sequence allows better control over former IAG members because they would first be identified and put under state supervision and then required to cooperate with authorities.

- Pardo's version allows the Supreme Council of the Judiciary to choose the Tribunal members. The GOC version allows the President to nominate them. (This distinction between a "legal" versus "political" leadership could be central to future negotiations with the ELN and FARC.)

18. (C) Shapiro urged the GOC to share its approach with the international community and human rights organizations. Pardo was skilled at lobbying for his draft and had framed the terms of the debate, but little was known about the GOC draft. Restrepo explained that the GOC had been intentionally silent on the issue to avoid starting a national debate but he believed the GOC had little choice but to challenge Pardo's version. The Ambassador urged the GOC to work for early consensus with Congress behind the scenes instead of debating in public.

FARC: Military Pressure

19. (C) When asked if the FARC was willing to negotiate, Restrepo said not until the group suffered a serious military defeat. Restrepo asserted that the GOC needed to disprove the myth that the FARC Secretariat was untouchable by killing or capturing several of its senior commanders. In contrast to the AUC, Restrepo said the FARC was hierarchical with a united leadership and provincial mindset. For example, two-thirds of the 35 imprisoned guerrillas whom the GOC pardoned and released in November were illiterate or just barely able to read.

ELN: Possible COCE Meeting in Mexico

10. (C) Restrepo said the GOC had authorized Mexican facilitator Ambassador Andres Valencia to hold a meeting with the COCE in Mexico provided the ELN ceased all violent activity during the meeting. The proposal was presented to

the COCE as an invitation from Valencia with no involvement from the GOC as a way to get around the ELN's refusal to declare a cessation of hostilities to the government. The ELN has responded positively, and Valencia told Restrepo that he expects the COCE to agree to the meeting. Restrepo asserted that COCE member Antonio Garcia's recent interview in which he said the group would agree to a bilateral cease-fire was nothing new and remained unacceptable for the GOC because (1) the ELN has refused to include a cessation of kidnapping in the cease-fire, and (2) the GOC wants a unilateral cease-fire.

11. (U) This cable was cleared by DAS Shapiro.
WOOD